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*Attorneys for Plaintiff Blendtec Inc.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

**BLENDTEC, INC.**, a Utah corporation,

Plaintiff,

vs.

**BLENDJET INC.**, a Delaware corporation,  
**MAVORCO HOLDINGS, LLC**, a  
Delaware limited liability company,  
**MAVORCO IP, LLC**, a Delaware limited  
liability company, and **MAVORCO  
OPERATIONS, LLC**, a Delaware limited  
liability company,

Defendants.

**DECLARATION OF TAMARA  
KAPALOSKI IN SUPPORT OF  
PLAINTIFF’S MOTION FOR  
PRELIMINARY INJUNCTION**

Civil Case No. 2:25-cv-00096-DBP  
Judge Dustin B. Pead

I, TAMARA KAPALOSKI, hereby declare as follows:

1. I am an attorney at the law firm of Dorsey & Whitney LLP (“Dorsey”), counsel to Plaintiff Blendtec Inc. (“Blendtec”) in the above-captioned action. I submit this declaration in support of Blendtec’s Motion for Preliminary Injunction (the “Motion”) in the above captioned

case. I am fully familiar with the facts set forth in this declaration from personal knowledge or from documents that I have reviewed. If called as a witness, I could and would testify competently under oath to the facts contained herein.

2. The bates numbers or production numbers on exhibits attached to the Declaration of Brian Buchanan in Support of Plaintiff's Motion for Preliminary Injunction (the "Buchanan Decl.") are to documents that Blendtec produced to Blendjet in *Blendtec Inc. v. Blendjet Inc.*, Case No. 2:21-cv-000668-TC-DBP, pending in the United States District Court for the District of Utah (the "2021 Action"). In the 2021 Action, Blendtec brought trademark infringement claims against Blendjet related to the BLENDJET trademark and Blendjet's swirl design mark.

3. Blendtec produced in the 2021 Action many examples of customer inquiries that Blendtec received regarding Blendjet blenders. Several examples are attached to the Buchanan Decl. Blendjet also produced in the 2021 Action inquiries that it received from consumers. Because Blendjet designated those documents as "Confidential" or "Highly Confidential – Attorneys' Eyes Only" under the Protective Order governing the 2021 Action, however, those consumer inquiries are not included in the Motion.

4. In early January 2025, Blendtec discovered that a private equity firm called Sandton Capital Partners ("Sandton") had entered some type of business transaction with Blendjet through which Sandton had acquired an interest in Blendjet's assets, including the trademarks at issue in the 2021 Action.

5. On January 9, 2025, Dorsey & Whitney LLP sent a letter to Sandton Capital Partners ("Sandton") providing notice to Sandton of Blendtec's trademark infringement claims related to the Blendjet Marks, advising Sandton of the consumer confusion the Blendjet Marks

have caused, and advising Sandton that Blendtec's infringement claims would carry over to any use of the Blendjet Marks by any other entity in the event Sandton was considering use of the marks with a new entity, and inviting a discussion between Sandton and Blendtec in an attempt to resolve the dispute. *See Exhibit 1* (January 9 Letter from Dorsey & Whitney LLP to Sandton).

6. On January 12, 2025, counsel for Blendjet in the 2025 Action "confirm[ed] that Sandton Capital Partners" had received Blendtec's January 9, 2025, letter.

7. On January 30, 2025, I participated along with my colleague Brett Foster in a status conference with counsel for Blendjet in the 2021 Action. During the conference, Blendjet's attorneys disclosed to us for the first time that Sandton had purchased a loan from Wells Fargo secured by Blendjet's assets, including the trademarks at issue in the 2021 Action. Blendjet also disclosed that Sandton had then foreclosed on Blendjet's assets and sold them to a new entity, including the Blendjet trademarks. Blendjet declined to disclose the name of the new entity but stated that assignments for the trademarks would be recorded soon, from which we could discover the name of the new entity. Blendjet represented that Blendjet no longer had any assets and intended to dissolve, but the timing of dissolution was uncertain. Blendjet's counsel further represented that Blendjet was still operating the Blendjet website and selling blenders for and on behalf of the new unnamed entity, and that the proceeds would go to the new entity.

8. On February 7, 2025, we discovered that Blendjet recorded a trademark assignment with the USPTO naming Mavorco Operations, LLC as the assignee and new owner of the Blendjet trademarks. The assignment was executed on January 13, 2025, which is *after* we provided Sandton with notice of Blendtec's infringement claims, the consumer confusion caused by the Blendjet Marks, and invited a discussion related to the same.

9. On February 10, 2025, Sandton finally responded to Blendtec's January 9 letter, stating "[a]pologies for the delay. As I'm sure you understand, we wanted to wait until the transaction was fully closed" to respond.

10. On February 11, 2025, Dorsey & Whitney LLP filed on behalf of Blendtec the above-captioned lawsuit against Mavorco and Blendjet for trademark infringement and related claims.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated this 27th day of March, 2025

/s/ Tamara L. Kapaloski  
Tamara L. Kapaloski

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27th day of March, 2025, a true and correct copy of the foregoing document was served on counsel of record via the Court's CM/ECF System which sent notice to the following counsel of record:

George B. Hofman, IV: [ghofmann@cohnekinghorn.com](mailto:ghofmann@cohnekinghorn.com)

Kathryn Tunacik: [ktunacik@ck.law](mailto:ktunacik@ck.law)

In addition, I hereby certify that on the 27th day of March, 2025, a true and correct copy of the foregoing document was served on Defendant Blendjet Inc., who is unrepresented in this action, via email to John Zheng, Chief Revenue Officer of Blendjet, at [john@blendjet.com](mailto:john@blendjet.com).

/s/ Tamara L. Kapaloski